

REMARKS

Claims 1-8 and 10-22 are pending in this application. By this Amendment, claim 1 is amended. Support for amended claim 1 may be found in Figure 2, for example. No new matter is added. Reconsideration and allowance of this application are respectfully requested.

EXAMINER'S INTERVIEW

Applicants appreciate the courtesies extended to Applicants' representative during the February 23, 2007 telephonic interview. During the interview, Applicants' representative argued that the amendments to the claims as submitted in the January 29, 2007 Response places the application in condition for allowance. Examiner Nadav was somewhat receptive to Applicants' representative assertions, but stated that claim 1 has to be further amended to more positively recite the claimed invention.

Accordingly, in order to expedite prosecution and place the application in condition for allowance, Applicants have amended claim 1 as suggested by the Examiner during the February 23, 2007 interview.

CLAIM REJECTIONS – 35 U.S.C. §102

Claims 1, 2 and 5-8 are rejected under 35 USC § 102(e) as being anticipated by Watanabe et al. (hereinafter "Watanabe"), U.S. Patent 6,503,794. This rejection is respectfully traversed.

As discussed and agreed by the Examiner, Applicants submit that Watanabe fails to disclose or suggest, *inter alia*, "a lower layer that is formed substantially along the entire substrate and between the upper electrode and the first metal wiring, and an entire upper layer that is formed substantially along the entire substrate and over the upper electrode, and the first sub-layer is distinct from the second sub-layer", as recited in claim 1.

Watanabe is completely silent with regard to the above features. Accordingly, because Watanabe fails to teach each and every feature of the claimed invention, it cannot provide a basis for a rejection under 35 U.S.C. §102.

For at least these reasons, Applicants submit that claim 1 is allowable. Claims 2 and 5-8 are allowable by virtue of their dependency on independent claim 1, and for the features recited therein. Reconsideration and allowance of the application are respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-8 and 10-20 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNES, DICKY, & PIERCE, P.L.C.

By: 

John A. Castellano, Reg. No. 35,094

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JAC/DJC/aeH